Supreme Court, U. S.
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IN THE

Supreme Court of the United States

October Term, 1978

No. 78-690

KATHLEEN R. REITER,

Petitioner,

v.

SONOTONE CORPORATION, et al.,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

OBJECTION OF RESPONDENTS TO UNTIMELY FILING OF BRIEF AMICUS CURIAE BY SOLICITOR GENERAL IN BEHALF OF THE UNITED STATES

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Respondents hereby object to the untimely filing of a printed *amicus curiae* brief in this matter by the Solicitor General in behalf of the United States, without leave of this Court.

Subdivisions (2) and (5) of Rule 42 of the Rules of this Court provide that a printed brief of an *amicus curiae* in cases before this Court must be presented within the time allowed for the filing of the brief of the parties supported. The printed *amicus curiae* brief filed by the Solicitor Gen-

eral in behalf of the United States in support of the position of the Petitioner was due on February 22, 1979, the date on which Petitioner's brief was filed with this Court. On February 27, 1979, five days beyond the due date, the Solicitor General of the United States filed its *amicus curiae* brief with this Court[1] and caused service thereof to be made upon the Respondents by mail.

Respondents object to the untimely filing of the printed *amicus curiae* brief filed by the Solicitor General in behalf of the United States, in that Rule 42 of this Court, and its pertinent subdivisions, calling for filing on a timely basis of printed briefs, apply to all parties, including the United States Government and its Solicitor General. Although an uncorrected typewritten version of the brief was filed with this Court by the Solicitor General of the United States on February 22, 1979, the Respondents had no way of anticipating what changes might occur in the editing and revision of the subject brief prior to final printing, filing and service.

In view of the untimely filing of the printed *amicus curiae* brief by the Solicitor General of the United States, without leave of Court, Respondents respectfully request

[1]The Solicitor General did file an uncorrected typewritten copy of the *amicus curiae* brief with this Court on February 22, 1979, and caused a copy thereof to be served on the Respondents by mail. The printed version of the brief varies in at least one important respect from that of the typewritten copy, in that the Solicitor General in the printed version of the brief has deleted references to an alleged study completed by the Department of Justice's Office for Improvement in the Administration of Justice entitled "Procedures to Allow Effective Small Business Access to Federal Justice" (February, 1979). See Footnote 21, typewritten and printed copies of the *amicus curiae* brief filed by the Solicitor General in behalf of the United States. In addition, there were numerous typographical changes in the two versions. The Solicitor General also makes reference at Footnotes 16 and 24 of the typewritten and printed versions of the *amicus curiae* brief to *amicus curiae* briefs which the Solicitor General has filed with the United States Supreme Court in other pending matters. Although these briefs were presumably available on February 22, 1979, the Solicitor General did not cause such briefs to be served upon Respondents until February 27, 1979.

that the filing thereof be disallowed and that this Court enter an appropriate order to that effect.

Respectfully submitted,

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